

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:20-CV-00589-BR

TAMER ESCANDER,

Plaintiff,

v.

CHRISTINE WORMUTH, Secretary,
U.S. Department of the Army,

Defendant.

PARTIES JOINTLY PROPOSED
DISCOVERY PLAN¹

1. **Rule 26(f) Conference.** Pursuant to the Order for Discovery Plan entered on November 22, 2021, (D.E. 46), the parties, by and through their attorneys of record, have conducted a Rule 26(f) meeting.

2. **Pre-Discovery Initial Disclosures.** The parties will exchange Initial Disclosures required by Fed. R. Civ. P. 26(a)(1) by **January 28, 2022.**

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

A. Nature and Complexity of the Case.

This case is an employment discrimination case arising under Title VII of the Civil Rights Act of 1964, as amended. Plaintiff alleges that Defendant engaged in unlawful discrimination, hostile work environment, and retaliation. Defendant denies all allegations of wrongdoing and has asserted several affirmative defenses.

¹ Plaintiff has consented to undersigned to filing this jointly proposed discovery plan on behalf of both parties.

B. Proposed Discovery Plan.

1. The parties anticipate that discovery will be needed regarding all allegations and claims asserted in Plaintiff's Amended Complaint and defenses asserted in Defendant's Answer, including, plaintiff's damages, relevant "personal information" of plaintiff and other relevant subjects.

2. The categories of discovery and proposed limitations are as follows:

a. Interrogatories: The parties agree that a maximum of 25 interrogatories, including sub-parts, may be served by each party upon any other party. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).

b. Requests for Admission: The parties agree that FRCP 36 will govern requests for admissions.

c. Requests for Production: The parties agree that FRCP 34 will govern requests for production of documents.

d. Depositions: The parties agree that a maximum of 10 depositions of non-party fact witnesses may be taken by each party, in addition to party depositions. The parties agree that absent court order, each deposition shall not exceed the time limits set forth in the Federal Rules of Civil Procedure. Preliminarily, the parties agree that depositions of fact and expert witnesses will likely be completed by **July 1, 2022**. The parties may agree to a modified deposition timeline if appropriate given the needs of discovery.

3. The parties are not aware of any special issues relating to disclosure or discovery of electronically-stored information.

4. The parties are not aware of any special issues related to claims of privilege or protection of trial preparation materials.

5. The parties agree that the date for the completion of all discovery (general and expert) is: **July 1, 2022.**

6. No particular discovery problems are anticipated at this time.

7. All potentially dispositive motions should be filed by **August 12, 2022.**

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff on **September 16, 2022**, and from Defendants by **September 23, 2022.** Plaintiff may disclose additional witnesses in response to Defendant's list by September 30, 2022. Parties should have fourteen (14) days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

C. Mediation.

Because the United States is a party, this case was not selected for mediation per Local ADR Rule 101a(b).

D. Additional Proposed Deadlines.

1. If expert witness testimony is necessary, the parties agree that reports from experts under Rule 26(a)(1) will be due:

a. By **March 15, 2022.**

b. Rebuttal Reports Due: **April 15, 2022.**

2. Supplementations under Rule 26(e) are to be governed by Rule 26(e) and where possible should be made in time for the opposing party to conduct follow up discovery.

3. Plaintiff should be allowed until **February 7, 2021** to request leave to join additional parties or to amend pleadings.

4. Defendant should be allowed until **February 21, 2021** to request leave to join additional parties or to amend pleadings.

5. After these dates, the court will consider whether the granting of leave would delay trial.

6. The parties have discussed special procedures for managing this case, including reference of the case to a magistrate judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master.

7. The parties do not consent to proceed before a magistrate judge.

8. This case should be ready for trial in **October 2022**. Trial is expected to take approximately **5 days**. A jury trial has been demanded.

9. The parties do not request a pretrial conference prior to the Court's entry of its case management order.

This the 5th day of January, 2022.

/s/ Kelly B. McClanahan

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served this 5th day of January, 2022, upon the below listed parties either electronically and/or by placing a copy in the U.S. mail addressed as follows:

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